

Page 2 of 4  
Application No. 09/747,253  
Amendment B

### **REMARKS**

Reconsideration of the present application in view of the following remarks is respectfully requested.

#### **Examiner Interview**

Applicants thank Examiner Detwiler for participating in the Examiner Interview on November 18, 2004. In the Interview, U.S. patent No. 6,714,218 (Bian) was discussed. It was noted that the Bain reference had a filing date of September 5, 2000, and that the subject application has a filing date of December 20, 2000. Applicants further indicated that the invention of the subject application was conceived prior to the effective date of the Bain reference. As such, Applicants indicated that they planned to submit a Declaration under 37 C.F.R. 1.131 swearing behind the Bain reference. Based on this discussion, the Examiner agreed to fully consider the Declaration submitted herewith swearing behind the Bain reference and that the Declaration was likely be entered assuming it meets the formal requirements.

#### **Rejection Under 35 U.S.C. §103**

Claims 1-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,151,059 (Schein *et al.*) in view of U.S. patent No. 6,714,218 (Bian). Applicants respectfully traverse these rejections. Further, Applicants submit that the subject matter of at least claims 1-28 was conceived prior to the effective date of the Bian reference. Thus, Bian cannot be used as a proper reference under 35 U.S.C. § 103(a).

Applicants submit herewith a declaration from Hong Yang and Jenny Su Chow (hereinafter referred to as the "Yang/Chow declaration") to antedate the effective date of September 5, 2000 of the Bian reference, in accordance with 37 C.F.R. § 1.131(a). The Yang/Chow declaration is accompanied by Exhibit A forming part thereof that evidences both conception of the invention prior to the effective date of September 5, 2000 of the Bain reference and due diligence from at least as early as September 5, 2000 to the filing of the above-captioned application on December 20, 2000.

Page 3 of 4  
Application No. 09/747,253  
Amendment B

Exhibit A of the Yang/Chow declaration is a photocopy of the Invention Disclosure Form establishing conception of the invention prior to the effective date of September 5, 2000 of the Bain reference. Per MPEP 715.07, dates have been blocked out of Exhibit A; however, all dates blocked out are prior to September 5, 2000. Upon completion of the Invention Disclosure, the Intellectual Property Department of Sony Electronics Inc. evaluated the Invention Disclosure and forwarded the disclosure to outside counsel. Outside counsel prepared the subject patent application and the application was filed on December 20, 2000, evidencing both conception of the invention prior to the effective date of the Bain reference and due diligence from at least as early as September 5, 2000 to the filing of the above-captioned application.

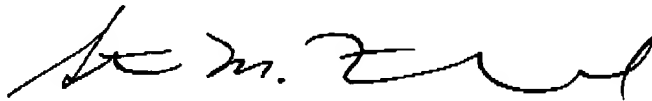
Therefore, given the Yang/Chow declaration and Exhibit A, the subject matter of claims 1-28 was conceived prior to September 5, 2000 and thus antedates Bian. Therefore, Bian cannot be used as a proper reference under 35 U.S.C. § 103(a). Further, the Schein patent does not teach all of the elements of claims 1-28 as admitted by the Examiner. Applicants therefore respectfully request the rejection be withdrawn.

Page 4 of 4  
Application No. 09/747,253  
Amendment B

**CONCLUSION**

In view of the above, Applicants submit that the pending claims are in condition for allowance, and prompt and favorable action is earnestly solicited. Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas F. Lebens at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



Steven M. Freeland  
Reg. No. 42,555  
Attorney for Applicant(s)

Dated: January 7, 2005

Address all correspondence to:  
FITCH, EVEN, TABIN & FLANNERY  
Thomas F. Lebens  
120 So. LaSalle Street, Ste. 1600  
Chicago, IL 60603

Direct telephone inquiries to:  
Thomas F. Lebens  
(858) 552-1311  
San Diego, California Office of  
FITCH, EVEN, TABIN & FLANNERY